

**REMARKS**

Claims 1-23 were pending. Claims 1, 10, 16, 18 and 20 have been amended to further clarify the nature of the invention. Therefore, claims 1-23 remain pending.

Applicant notes and appreciates withdrawal of the prior rejections.

In the present Office Action, claims 1-3, 6-7, 10-11, 14, 16-18 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over newly cited U.S. Patent 6,668,377 (hereinafter “Dunn”), in view of newly cited U.S. Patent 6,859,839 (hereinafter “Zahorjan”). As noted above, Applicant has amended the claims for clarification purposes and submits the cited art does not disclose all of the features of the pending claims. Accordingly, Applicant traverses the above claim rejections, as well as those directed to each of the remaining dependent claims, and requests reconsideration in view of the following discussion.

Applicant’s amendments are believed to clarify Applicant’s claimed invention, and more readily distinguish the claimed invention from the cited art. In particular, each of the independent claims have been amended to recite that the broadcast modules are pushed (i.e., they are not sent in response to client requests). Further, it is noted that client sends search criteria to the server after broadcast of the modules has already begun. Finally, the module which is retrieved by the client as recited in claim 1 is one of the previously pushed modules (i.e., is not broadcast responsive to a request). As will become clear in the following discussion, the cited art does not disclose all of the features as recited.

In the present Office Action, Dunn is cited as disclosing the following features of prior claim 1:

“broadcasting a plurality of modules from a server to a client device;  
sending search criteria from the client device.”

In particular, the following portions of Dunn is cited:

"FIGS. 12-14 show a method for operating the interactive system in the VOD mode. . . . Beginning with step 216 in FIG. 12, the viewer activates the VOD application by switching the STB to the designated VOD channel. Initial data is received by the STB from the headend (step 218). Such data might include category lists, star lists, new releases lists, or other information that is useful in the startup phase. At step 220, the VOD application initiates the preview browse user interface and the initial screen display 70 (FIG. 3) is depicted.

The default set of "new releases" trailers are shown. . . . If the viewer wishes to select a new group of programs, the viewer can actuate the "choices" button 78 to pull up various lists of criteria (e.g., star name, title, viewer list, etc.). From the one or more lists, the viewer actively specifies a criteria to select a group of programs (step 222). The criteria is transmitted from the STB to the headend (step 224).

At the headend, a search of the SQL database is conducted to locate program records which meet the search criteria (step 226). . . . At step 228, the set of program records that meet the criteria are sent back to the requesting STB in the form of data packet 120 (FIG. 8). This packet includes the program monikers and IDs, and the trailer monikers and IDs.

At step 230, the viewer actuates the "preview" icon button 142 (FIGS. 5 and 9) to request play of the first preview video trailer in the program set. This request is sent to headend, which begins transmitting the preview of the first trailer in the group in response (step 232).

Back at the STB, the previews of the requested set of programs are displayed on the TV set (step 234 in FIG. 12) and the program and trailer monikers are queued in the same order that the trailers are played (step 236 in FIG. 13). As described above, the viewer can watch the trailers as they are presented, or skip through them at the viewer's own pace." (Dunn, col. 12, lines 10-51).

From the above excerpt it can be seen that Dunn discloses an STB receives initial data from the headend and default previews are displayed. A viewer then may send specify criteria (e.g., a star name) and a request is transmitted to the headend. The headend uses the request to locate records matching the criteria and returns data in response (i.e., the data packet). The viewer may then request play of a trailer by sending such a request to the headend, which then transmits the trailer in response to the request.

Given the above, we now turn to pending claim 1. As amended, claim 1 recites:

“broadcasting a plurality of modules from a server to a plurality of client devices, at least one of said modules having an associated module number, wherein said plurality of modules are not broadcast responsive to a client request; sending search criteria from a client device of the plurality of client devices to the server, subsequent to said broadcasting; receiving the search criteria at the server and identifying a qualifying module number which corresponds to the search criteria; sending the qualifying module number to the client device; receiving the qualifying module number at the client device; and retrieving a first module of said modules at the client device, in response to matching the received qualifying module number to said first module.”

It is first noted that claim 1 recites interrelated features. From the above in claim 1, it can be seen that not only are modules being pushed by the server (i.e., they are not broadcast responsive to a client request), but the qualifying module number which is sent to the client is used to retrieve one of *the* modules. In other words, the “first module” is itself one of the pushed (i.e., not requested) modules. This is not the case with either Dunn or Dunn combined with Zahorjan.

As described above, Dunn discloses receiving search criteria and sending data (the “data packet”) to the STB in response. The viewer may then send a request for play of a trailer to the headend, “which begins transmitting the preview of the first trailer in the group in response.” Therefore, the data packet of Dunn is not used to retrieve one of the non-requested modules as recited.

Further, the present Office Action cites Zahorjan in combination with Dunn as disclosing all of the features of claim 1. However, neither does the combination of Dunn and Zahorjan disclose the above recited features of claim 1. Generally speaking, Zahorjan

describes a method for transmitting streamed data responsive to client requests. In the present Office Action, Zahorjan is generally cited based upon the following disclosure:

**“Subsequent Concurrent Client Requests**

Referring now to FIGS. 5, 6, 7 and 8a, at time 0.1, a second request for the same video program 51 may be generated by a second receiver 30' per process block 60 of the receiver program 39 contained in that receiver 30'. Referring to FIG. 6 at process block 62, this second request is received by the server 48. Because, a previous request for the same program is being concurrently processed at process block 64, and may be caught, the second request is placed in hierarchy 100 of FIG. 8a with the first request. . . .

At decision block 65, no change was made to the merge target, hence the position of the first request in the hierarchy 100 so the program proceeds to process block 66 and a control message is sent to receiver 30' (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30' should listen to.

Referring also to FIG. 7, the receiver responds 30' to this control message by listening to the data streams 80 and 82 and recording some part of them per process block 69. This recording can be, for example, at a rate from 5% to 100%.

Per FIG. 6, the data stream 82 responsive to the second request is then initiated at process block 68 and it is received and played by the receiver 30' per process blocks 69 and 74 of FIG. 7. Process blocks 69 and 74 are shown separately for clarity but it will be understood that typically these processes will be executed simultaneously.” (Zahorjan, col. 7, line 42 – col. 8, line 22).

As with Dunn, Zahorjan describes a client retrieving client requested data. Accordingly, the combination of Dunn and Zahorjan does not disclose all of the features of claim 1. There is no disclosure or suggestion in Zahorjan of receiving a client request, returning a qualifying module number, and the client matching the module number to non-client-requested data. Such features are wholly absent from the cited art. Accordingly, Applicant submits claim 1 is patentably distinguished from both Dunn and Zahorjan, either singly or in combination, for at least the reasons given above. In addition, as each of independent claims 10, 16, 18 and 20 include similar features, each

of these claims are believed patentably distinguished for similar reasons. As each of the dependent claims include at least the features of the independent claim upon which they depend, each of the dependent claims are believed patentable for at least the reasons given above as well.

Applicant further notes in paragraphs 4-6 of the present Office Action, additional rejections are made of dependent claims under 35 U.S.C. § 103(a). However, each of these additional rejections depend upon Dunn and Zahorjan as discussed above. As each of the claims are patentable for at least the reasons given above, further discussion of the features of these claims is believed unnecessary at this time.

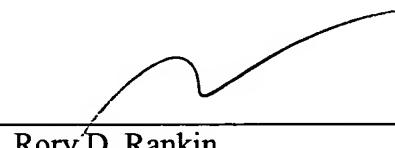
Should the examiner still believe there is reason to prevent the present application from proceeding to allowance, the below signed representative would greatly appreciate a telephone call at (512) 853-8866 in order to facilitate a more rapid resolution.

**CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-08801/RDR.

Respectfully submitted,



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